IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 20884 of 2003(J)

PETITIONER:

M/S. NEW STAR CABLE T.V. NET WORK,
REPRESENTED BY ITS PROPRIETOR, M.A.ANDERSON,
SURABHI, CHILAVANOOR ROAD, KADAVANTHARA, KOCHI-20.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:
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1. **THE CHIEF ENGINEER,**
   ELECTRICITY DISTRIBUTION (CENTRAL),
   KERALA STATE ELECTRICITY BOARD, ERNAKULAM.

2. **THE DEPUTY CHIEF ENGINEER,**
   KERALA STATE ELECTRICITY BOARD,
   ELECTRICAL CIRCLE, ERNAKULAM.

3. **THE EXECUTIVE ENGINEER,**
   KERALA STATE ELECTRICITY BOARD,
   ELECTRICAL DIVISION, ERNAKULAM.

4. **M/S.ASIANET SATELLITE COMMUNICATION LTD.**
   AREA OFFICE, 35/2963, PALLINADA, PALARIVATTOM.

BY ADV. SRI.T.G.RAJENDRAN SC FOR K.S.E.B.
SRI.V.GIRI - R4
SRI.C.K.KARUNAKARAN, SC., KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON IA. NO. 7783/2003 IN WP(C) NO.20884/2003

DISMISSED

08.02.2007 **SD/- K.BALAKRISHNAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RELEVANT PAGE OF THE BOARD ORDER DT.18.10.02.

EXT.P2:- COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER , DT. 4.12.2002.

EXT.P3:- COPY OF THE JUDGMENT DT,28.2.03 IN OP. NO.6736/03 OF THIS HONOURABLE COURT.

EXT.P4:- COPY OF THE ORDER DT.20.6.03 ISSUED BY THE BOARD.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 20884 OF 2003-J

JUDGMENT

The petitioner is a cable TV operator. It has drawn cables through the poles of the K.S.E.B without permission. But, later, when the K.S.E.B invited tenders as per Ext.P1 guidelines, the petitioner submitted its offer. The offer made by the petitioner was found to be the highest. When the same was not accepted and the petitioner was not given licence to draw the cables as per Ext.P1, this Original Petition was filed.

2. The K.S.E.B would submit that there was a stay in a connected writ petition, which stood in the way of finalising the offer made by the petitioner. Now, it is common case that the said writ petition has been disposed of and the stay granted therein is no longer in force. In view of the above position, the competent authority of the K.S.E.B shall consider finalising the tender invited as per Ext.P1 in favour of the highest bidder, the petitioner herein within one month from the date of production of a copy of this judgment. Needless to say, the KSEB can collect rental from the petitioner for the period it was unauthorisedly using the electric posts, at

the rate applicable from time to time.

The Writ Petition is disposed of as above.

8th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.20884/2003-J

JUDGMENT

8.2.2007